

EXHIBIT

7

From: Menefee, Justin (CMS/OAGM)
Sent: Monday, May 18, 2015 4:27 PM
To: Hoey, Nicole E. (CMS/OAGM); Pierre, Jeffri (HHS/OGC)
Cc: Schultz, Theresa A. (CMS/OAGM)
Subject: RE: Technical Direction Letter (Duplicate Payment Audit)
Attachments: SOW 01-01-2015.docx; Contract No. GS-23F-0074W Task Order No. HHSM-500-2011-00006G - Fully Executed.pdf

Attached is ACLR's base award with the current SOW. I will check with Sonja on funding.

Thank you,

Justin

From: Pierre, Jeffri (HHS/OGC)
Sent: Monday, May 18, 2015 12:52 PM
To: Hoey, Nicole E. (CMS/OAGM)
Cc: Schultz, Theresa A. (CMS/OAGM); Menefee, Justin (CMS/OAGM)
Subject: RE: Technical Direction Letter (Duplicate Payment Audit)

Unless we missed something in the contract. Forgive me if I have it, but can you please send it over?

If we T4C, we'll have to come up with some money to pay them. Have we checked to see if any is available?

Jeffri Pierre
Senior Attorney
Baltimore Procurement Law Group
Department of Health and Human Services
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From: Hoey, Nicole E. (CMS/OAGM)
Sent: Monday, May 18, 2015 12:49 PM
To: Pierre, Jeffri (HHS/OGC)
Cc: Schultz, Theresa A. (CMS/OAGM); Menefee, Justin (CMS/OAGM)
Subject: RE: Technical Direction Letter (Duplicate Payment Audit)

Jeffri,

I believe the only option we have for this is to T4C the duplicate payment work.....do you think there is another way this could be done?

Nicole

From: Pierre, Jeffri (HHS/OGC)
Sent: Monday, May 18, 2015 12:13 PM
To: Hoey, Nicole E. (CMS/OAGM)
Cc: Schultz, Theresa A. (CMS/OAGM); Menefee, Justin (CMS/OAGM)
Subject: RE: Technical Direction Letter (Duplicate Payment Audit)

Looping back to catch up on things that I need to do – have you decided how you'd like to approach this?

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From: Pierre, Jeffri (HHS/OGC)
Sent: Thursday, May 14, 2015 10:42 AM
To: Hoey, Nicole E. (CMS/OAGM)
Cc: Schultz, Theresa A. (CMS/OAGM); Menefee, Justin (CMS/OAGM)
Subject: RE: Technical Direction Letter (Duplicate Payment Audit)

Did you want to set up a meeting to discuss this? I'm heading to DC this afternoon, but maybe tomorrow or Monday?

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From: Pierre, Jeffri (HHS/OGC)
Sent: Tuesday, May 12, 2015 4:31 PM
To: Hoey, Nicole E. (CMS/OAGM)
Cc: Schultz, Theresa A. (CMS/OAGM); Menefee, Justin (CMS/OAGM)
Subject: RE: Technical Direction Letter (Duplicate Payment Audit)

This is not unexpected. We knew we were on shaky ground. So, it seems appropriate to consider what is the best thing to do about this contract. It might be a modification or it might be a T4C.

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From: Hoey, Nicole E. (CMS/OAGM)
Sent: Tuesday, May 12, 2015 4:28 PM
To: Pierre, Jeffri (HHS/OGC)
Cc: Schultz, Theresa A. (CMS/OAGM); Menefee, Justin (CMS/OAGM)
Subject: FW: Technical Direction Letter (Duplicate Payment Audit)

Hi Jeffri,

I received the following email from ACLR. It appears a modification may be needed for the duplicate payment issues. Please advise.

Thanks,
Nicole

From: Christopher Mucke [mailto:cmucke@aclrsbs.com]
Sent: Tuesday, May 12, 2015 2:41 PM
To: Hoey, Nicole E. (CMS/OAGM)
Cc: Kane, Daniel F. (CMS/OAGM); Gil Mucke
Subject: FW: Technical Direction Letter (Duplicate Payment Audit)

Nicole,

The attached letter indicates CMS' decision to unilaterally terminate the duplicate payment review with the attendant loss of over \$2 million in fees to ACLR. I have reviewed the contract extensively and cannot identify any language where CMS reserved the right to terminate an ongoing audit. If you believe such language currently exists, please point me to the relevant SOW or TO language authorizing CMS/CPI or the COR to perform such an act. Alternatively, please provide me with the necessary contract modification authorizing such an action. Thank you, Chris.

Christopher Mucke | Managing Principal | ACLR, LLC

38705 7 Mile Rd, Ste 251 | Livonia, Michigan 48152-3975 |  (734) 744 - 4401 |  (734) 744 - 4150 |

 <mailto:cmucke@aclrsbs.com>

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From: Brown, Sonja J. (CMS/CPI) [<mailto:sonja.brown@cms.hhs.gov>]

Sent: Friday, April 24, 2015 5:22 PM

To: Christopher Mucke

Cc: Hoey, Nicole E. (CMS/OAGM); Menefee, Justin (CMS/OAGM); Schultz, Theresa A. (CMS/OAGM); Abankwah, Rosalind M. (CMS/CPI); Brown, Camille J. (CMS/CPI)

Subject: Technical Direction Letter (Duplicate Payment Audit)

Chris,

Please see the attached Technical Direction Letter regarding the Duplicate Payment Audit. Please contact me with any questions that you may have.

Thanks,

Sonja J. Brown

Centers for Medicare & Medicaid Services

Center for Program Integrity

Investigations and Audits Group

Division of Plan Oversight and Accountability

410-786-3571 (Office)

Sonja.Brown@cms.hhs.gov

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